

ditions, etc., and declaring an emergency," with amendments.

H. B. No. 4, A bill to be entitled "An Act making an appropriation of thirty thousand dollars (\$30,000) to be used by the Attorney General for the purpose of paying expenses of investigating and prosecuting violations of conservation and anti-trust laws of this State, and declaring an emergency."

The Senate refused to engross

S. B. No. 16, A bill to be entitled "An Act creating the Conservation Commission of Texas."

Respectfully,

BOB BARKER,

Secretary of the Senate.

RECESS.

On motion of Mr. Boyd, the House, at 6 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Committee of the Whole House: House bill No. 16.

Game and Fisheries: Senate bill No. 12.

Judiciary: House bill No. 52.

Conservation and Reclamation: House bills Nos. 29 and 51.

Judicial Districts: House bills Nos. 46, 53, and 49.

Education: House bill No. 50.

Counties: House bill No. 45.

The Committee of the Whole House filed an adverse report on House bills Nos. 26 and 24.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, August 7, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 10, Expressing appreciation to Hon. Leonard Tillotson,

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

#### THIRTEENTH DAY.

(Continued.)

(Saturday, August 8, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

#### BILL ORDERED PRINTED IN MIMEOGRAPH FORM.

On motion of Mr. Metcalfe, the committee amendment to House bill No. 55 was ordered printed in mimeograph form in lieu of the original bill.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Forbes, Mr. Holder, Mr. Graves, Mr. Sherrill, Mr. Coltrin, Mrs. Strong, Mr. Vaughan, Mr. Harman, Mr. Sanders, Mr. Stephens, Mr. Duvall, Mrs. Rountree, Mr. Lee, Mr. Wiggs, Mr. Shelton, Mr. Johnson of Dimmit, and Mr. Howsley:

H. B. No. 62, A bill to be entitled "An Act to amend Article 3109 of the Revised Civil Statutes of 1925, relating to ballot at primaries; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Dwyer, Mr. Reader, and Mr. Mehl:

H. B. No. 63, A bill to be entitled "An Act validating all issues of funding and refunding notes, bonds, warrants, time warrants, and treasury warrants heretofore issued or authorized to be issued and attempted to be issued by any and all cities in the State whether incorporated under General or Special Laws, and all cities operating under charters adopted under the provisions of Article 11, Section 5, of the Constitution of Texas, having a population in excess of one hundred and seventy-five thousand according to the last preceding United States census, issued and attempted to be issued under authority of House bill No. 312, of the Forty-second Legislature; and validating all orders of the governing bodies of such cities

pertaining to such issues of such funding or refunding notes, bonds, warrants, time warrants and treasury warrants, and all orders by said governing bodies of said cities levying and assessing taxes to provide for the payment of interest and principal of such notes, bonds, warrants, time warrants and treasury warrants as they respectively mature, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Keller:

H. B. No. 64, A bill to be entitled "An Act to validate the incorporation of all cities and towns incorporated, or attempted to be incorporated under the general laws of Texas, where, by inadvertence, oversight, or mistake, the field notes of such cities or towns were incorrectly set forth, or where any other irregularity was had in the proceedings for the incorporation of such cities or towns, where such cities or towns have been operating and acting as such cities or towns, and where the governing body of such cities or towns has, or have, entered an ordinance correcting and setting forth the true field notes of the territory incorporated or attempted to be incorporated, or where the governing body of such cities or towns has, or have, entered an ordinance correcting such irregularity or irregularities, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. West of Cameron:

H. B. No. 65, A bill to be entitled "An Act authorizing navigation districts to expend their funds for work done or to be done on improvements made or to be made outside of their geographical boundaries, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Sanders:

H. B. No. 66, A bill to be entitled "An Act making an emergency appropriation of money to the Division of Child Welfare of the State Board of Control, for the support, maintenance and operation of said division for the two years beginning September 1, 1931, and ending August 31, 1933; providing the transfer of a portion of such appropriated amounts from other appropriated funds; pre-

scribing means and manner of expenditure, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Sanders:

H. B. No. 67, A bill to be entitled "An Act to amend Sections 11, 13, 14 and 15 of House bill No. 547, Acts of the Forty-second Legislature, Chapter 73, page 111, Laws of the Regular Session, and in adding thereto certain new sections to be known as Sections 15a, 15b and 15c; said portion of said act being amended relates to an occupation tax on dealers in cigarettes; providing for the levying and imposition of said tax and the manner and method in which the payment of same shall be evidenced; and prescribing the manner and method in which said stamps shall be placed upon packages or parcels of cigarettes; prescribing the powers and duties imposed upon the State Treasurer of the State of Texas, and providing that one-half of the revenue derived from said tax shall be placed to the credit of the Available School Fund and one-half thereof to the General Revenue Fund of the State of Texas; prescribing certain offenses, and providing for punishment and penalties for the violation thereof; prescribing certain civil penalties for failure to comply with the provisions of said act, and providing the manner and method for the collection thereof; prescribing certain duties upon the Comptroller of the State of Texas with reference to issuing certificates to dealers in cigarettes, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Morse:

H. B. No. 68, A bill to be entitled "An Act amending Articles 2559 and 2560, Revised Civil Statutes of the State of Texas for 1925, providing the way and manner in which cities, towns and villages shall take bids for depositories of funds of such cities, towns and villages, and providing for the way and manner in which said funds shall be secured, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Wagstaff and Mr. Scott:

H. B. No. 69, A bill to be entitled "An Act providing that in all cases

where a county has public funds on deposit in any bank, or trust company, or other depository, and the funds so deposited are secured by a bond, and when the depository has failed to pay the checks or drafts drawn on said fund by said county, the county having sufficient funds to its credit to pay said checks, and when suit has been instituted on said bond by said county and any real estate of any defendant in such suit has been attached, said county suing upon said bond is hereby authorized to pay off any indebtedness against such real estate so attached, where the owner thereof has more than 50 per cent equity in said property, and said indebtedness is due and payable, and is subject to foreclosure; providing for subrogation of such lien and the purchase of such lands by the county at judicial sales, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Leonard:

H. B. No. 70, A bill to be entitled "An Act to amend Section 7 of House bill No. 690, Chapter 200, of the General and Special Laws of the Regular Session of the Forty-first Legislature, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Leonard:

H. B. No. 71, A bill to be entitled "An Act to exclude from the Donna Irrigation District, Hidalgo County No. 1, all of that land now lying within the corporate limits of the city of Donna; providing that the lands so excluded shall continue to bear a tax which will provide an interest and sinking fund sufficient to retire that pro rata part of the indebtedness which the lands hereby excluded bear to the entire indebtedness of the Donna Irrigation District, Hidalgo County No. 1, at the time of the exclusion of said lands from said district; providing that this act shall in no way impair the value of any bonds outstanding against said district at the time of the effective date of this act; providing that if any of the indebtedness existing against the said Donna Irrigation District, Hidalgo County No. 1, on the effective date of this act be cancelled or in any similar manner reduced by said Donna Irrigation District, Hidalgo County No. 1, then those lands hereby excluded from the said district shall have the benefit of

their pro rata part of such reduction as that pro rata part exists at the time of the exclusion of said lands, etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Richardson:

H. B. No. 72, A bill to be entitled "An Act providing for a rural school supervisor in Van Zandt county in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

Referred to Committee on Education.

By Mr. Laird and Mr. Adams of Jasper:

H. B. No. 73, A bill to be entitled "An Act to conserve fish in the Angelina, Attoyoc, Sabine and Neches Rivers and their tributaries in certain counties, and permitting the use of nets of a certain size."

Referred to Committee on Game and Fisheries.

#### EXTENDING CONGRATULATIONS TO SAN SABA COUNTY.

Mr. Burns of McCulloch offered the following resolution:

Whereas, San Saba county, Texas was organized seventy-five years ago; and

Whereas, The Old Pioneers of that county will, on next Tuesday, August 11th, 1931, celebrate the seventy-fifth anniversary of the organization of the county in an Old Settlers' Association meeting; and

Whereas, We, who are beneficiaries of the labors and toil of the pioneers of Texas, are proud of this achievement and enjoy the product of their toil and the security with which they have endeared our State and Nation, and further recognizing the fact that in but a short time these old pioneers will have passed on to another land and clime; now, therefore, be it

Resolved by the House of Representatives, representing all the people of Texas, That we convey congratulations to our county of San Saba on having attained its seventy-fifth anniversary, and especially its

pioneers and old settlers, on the splendid results of the work and sacrifices of their earlier days, and consider them to be exceedingly fortunate in being granted the privilege of life long enough to see the full fruition of their labors and toil; be it further

Resolved, That a copy of this resolution be furnished the Old Settlers' Association of San Saba county, Texas.

BURNS of McCulloch,  
DeWOLFE,  
PETSCH.

The resolution was read second time, and was adopted.

#### PETITIONING FEDERAL FARM BOARD TO HOLD SURPLUS COTTON AND GRAIN.

Mr. Barron offered the following resolution:

H. C. R. No. 11, Petitioning Federal Farm Board to hold surplus cotton:

Whereas, To a no inconsiderable extent prosperity is dependent upon the profitable cultivation of the soil; and

Whereas, Due to economic conditions and unemployment, market demand for farm products, more particularly wheat and cotton, has fallen far below that of normal years, which, in natural sequence, has resulted in a surplus which in turn has seriously and adversely affected the exchange value both of farm land and of farm products; and

Whereas, Reduced to economic terms such surplus is in fact a liability and not an asset, serving only to depress the sale or market value of land and agricultural products, thus aggravating and extending the period of the presently existing industrial depression; and

Whereas, The "carry over," whether of grain or cotton, is not, as a whole, properly to be regarded as a surplus but in no small part as a reserve securing the whole population against possible years of inadequate production; and

Whereas, Government and the people governed are not things apart and that provision upon the part of government against unknown quantities of an inscrutable future is but the part of wisdom; and

Whereas, A philosophy which treats of an annual yield of the needs of

civilization limited to such needs for a current year is unsound in principle and unsafe in practice; and

Whereas, It is equally unsound in principle and unfair in morals that the burden of providing security for the future be imposed upon the agricultural group alone; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Federal Farm Board be therefore petitioned to withhold from the market, in everywise whatsoever, whatever of surplus grain and cotton it, the said board, may have acquired and that definite assurance be given that such surplus shall, in the interest of the national welfare, be held as a national reserve against possible future inadequacy of farm production; and

That the only possible effect of a surplus as such and not as a definitely defined reserve is, and will continue to be, a standing hindrance to farm prosperity directly and to industrial rehabilitation indirectly; it operates and cannot do otherwise than operate to the profit of those of us who stand in the highway of commerce dealing with the products of the land yet not engaged in, nor subject to, the hazards of their production; and

That the Federal Congress be and it is hereby petitioned to take such measures and enact such laws as may be necessary to remove entirely from the equation whatever surplus of cotton and grain it, the said board, may have acquired or may in the future acquire; and

That copies of this resolution be forwarded by the Clerk of the House of Representatives to the President of the United States, to the members of the United States Congress from Texas, and to the members of the Federal Farm Board.

BARRON,  
WEINERT,  
JOHNSON of Dimmit,  
AKIN,  
DAVIS,  
ROGERS,  
WESTBROOK.

The resolution was read second time.

On motion of Mr. Weinert, the resolution was adopted.

#### HOUSE BILL NO. 26 ON SECOND READING.

On motion of Mr. Hardy (by unanimous consent), the regular or-

der of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act creating the Conservation Commission of Texas, to be composed of three men; providing the qualifications of its members, their terms of office, their method of appointment, and their salaries; transferring from the Railroad Commission of Texas to the Conservation Commission of Texas all jurisdiction, powers, rights and authority heretofore conferred and all duties heretofore imposed upon the Railroad Commission of Texas and its members under Title 102, Revised Civil Statutes of 1925, Chapter 313, Acts of 1929, Forty-first Legislature, Chapter 36, Acts of 1930, Fifth Called Session of the Forty-first Legislature, and all laws of the State of Texas relating to the conservation of oil and gas regulating utilities, pipe lines and common purchasers of oil; providing that orders, rules and regulations of the Railroad Commission of Texas heretofore made shall not be impaired by this act, but shall continue in effect; defining the powers and duties of said Commission; prohibiting the use of any part of the funds received from the tax levied by Article 6032, Revised Civil Statutes of 1925, by the Railroad Commission or for the payment of any cost or expense hereafter incurred by the Railroad Commission, and transferring all unexpended appropriations from said funds from the Railroad Commission of Texas to the Conservation Commission of Texas; levying a tax of 1 per cent per barrel on all crude petroleum produced in the State for the administration of this law and other laws relating to conservation of oil and gas and for the payment of the salaries of the Conservation Commission; providing for the method of collecting said tax; repealing Article 6032, Revised Statutes of Texas, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Hardy offered the following amendment to the bill:

Amend House bill No. 26 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 6032 of

the Revised Civil Statutes of Texas of 1925 be amended so as to hereafter read as follows:

"Article 6032. There is hereby levied a tax of one-tenth (1/10) of 1 per cent of the market value of crude petroleum produced within this State, which shall be in addition to and collected in the same manner as the present gross receipts production tax on crude petroleum. Producers of crude petroleum are hereby required to make reports of production in the same manner and under the same penalties as for the gross production tax. The tax thus collected shall be paid into the State Treasury as other revenue and shall be paid out on warrants as other State funds. Any yearly excess of the tax over and above the requirements of the Commission shall become a part of the general revenue of the State, and any deficiency shall be made up out of the general revenue of the State.

"Sec. 2. The fact that the administration and enforcement of the oil and gas laws by the Railroad Commission is badly crippled on account of inadequate appropriations and insufficient funds for such purpose creates an emergency and an imperative public necessity demanding that the constitutional rule which requires bills to be read on three several days be suspended, and it is hereby so enacted, and this act shall be in full force and effect from and after its passage."

PETSCH,  
HARDY.

The amendment was adopted.

Mr. Hardy offered the following amendment to the bill:

Amend House bill No. 26 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"An Act amending Article 6032 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

PETSCH,  
HARDY.

The amendment was adopted.

House bill No. 26 was then passed to engrossment.

#### MESSAGES FROM THE GOVERNOR.

Mr. Pat Dougherty, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following messages

from the Governor, which were read to the House, as follows:

Executive Office,  
Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:

I hereby submit for your consideration the following subjects:

1. Legislation authorizing navigation districts to expend their funds for work done or to be done on improvements made or to be made outside of their geographical boundaries.

2. Legislation amending Articles 2559 and 2560, Revised Civil Statutes of the State of Texas for 1925, to provide the way and manner in which cities, towns and villages shall take bids for depositories of funds of such cities, towns and villages and providing for the way and manner in which said funds shall be secured.

Respectfully submitted,

R. S. STERLING,  
Governor.

Executive Office,  
Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:

At the Regular Session of the Forty-second Legislature a bill was passed creating the Division of Child Welfare in the Board of Control; empowering the Board of Control to employ a chief and necessary assistants; prescribing qualification of the chief; defining the duty of the division as to defective, illegitimate, dependent, neglected and delinquent children through the enforcement of all State laws in regard thereto; vesting authority for payment of all expenses; providing for county welfare boards and describing their duties. As this bill went into effect immediately, but no appropriation was provided for which would make this division workable, I therefore submit to you attached bill which sets out a small appropriation for the next biennium in order that this important division may function. I believe that this act will be of untold benefit to Texas in helping to solve some of the problems of illegitimate, dependent, neglected and delinquent children.

Respectfully submitted,

R. S. STERLING,  
Governor.

Executive Office,  
Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:

I hereby submit for your consideration the following subject, to-wit:

Legislation amending Chapter 362 of the Acts of the Regular Session of the Forty-second Legislature of Texas (affecting treasurers for certain independent school districts).

Respectfully submitted,

R. S. STERLING,  
Governor.

Executive Office,  
Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:

For your consideration and attention I hand you herewith a proposed measure which amends Sections 11, 13, 14 and 15 of House bill No. 547, Acts of the Forty-second Legislature, Chapter 73, page 111, Laws of the Regular Session, and which adds thereto certain sections, and making other provisions amending and correcting what is known as the Cigarette Tax Law.

In order that the Cigarette Tax Law may be more workable and less expensive in its operation I commend the attached bill to your honorable body for your action.

Respectfully submitted,

R. S. STERLING,  
Governor.

#### BILLS ORDERED PRINTED IN MIMEOGRAPH FORM.

On motion of Mr. Morse (by unanimous consent), House bill No. 60 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Dwyer, House bill No. 63 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Keller, House bill No. 58 was ordered printed in mimeograph form and not otherwise printed.

#### BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 4, "An Act making an appropriation of thirty thousand

dollars (\$30,000) to be used by the Attorney General for the purpose of paying the expenses of investigating and prosecuting violations of conservation and anti-trust laws of this State, and declaring an emergency."

# HOUSE BILL NO. 19 WITH SENATE AMENDMENTS.

Mr. Hardy called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 19, A bill to be entitled "An Act to amend Chapter 36 of the Fifth Called Session of the Forty-first Legislature, and particularly Section 11 thereof, and by adding Section 11a and Section 11b thereto, enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; forbidding discrimination by such public utilities; providing for a bond to be filed by such public utilities; giving to the Railroad Commission of Texas jurisdiction over rates, rules and regulations governing the storage of crude petroleum and its products by such public utilities, the character of facilities to be furnished, the forms of receipts to be issued, and the inspection, grading, measurement, deductions for waste, deterioration and delivery by such utilities; giving such utilities a lien for charges; providing for the filing and posting of monthly statements by such public utilities, and by common carriers by pipe line; vesting in the Railroad Commission of Texas jurisdiction to authorize and require common carriers by pipe line and public utilities, as defined by this act, to extend and enlarge their respective facilities under certain conditions, etc., and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

(Pending consideration of the Senate amendments, Mr. McGill occupied the chair temporarily.)

Mr. Morse moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

Mr. Hardy moved that the House concur in the Senate amendments.

Mr. Barron moved to table the motion by Mr. Morse.

(Speaker in the chair.)

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—71.

Adamson.	Johnson
Adkins.	of Dallam.
Akin.	Jones of Shelby.
Alsup.	Jones of Atascosa.
Baker.	Justiss.
Barron.	Kennedy.
Bedford.	Laird.
Bond.	Lasseter.
Bounds.	Lemens.
Boyd.	Leonard.
Brice.	Lockhart.
Burns of Walker.	Long.
Burns	McGill.
of McCulloch.	Magee.
Carpenter.	Mehl.
Coltrin.	Metcalf.
Cox of Limestone.	Ratliff.
Dale.	Richardson.
Daniel.	Rogers.
Dowell.	Sanders.
Elliott.	Satterwhite.
Farmer.	Savage.
Forbes.	Scott.
Gilbert.	Smith of Wood.
Goodman.	Sparkman.
Graves.	Stephens.
Greathouse.	Strong.
Hanson.	Terrell.
Hardy.	of Cherokee.
Harrison	Towery.
of Waller.	Turner.
Herzik.	Vaughan.
Hines.	Veatch.
Holland.	Warwick.
Holloway.	West of Cameron.
Hoskins.	Wiggs.
Hughes.	Young.
Jackson.	

Nays—37.

Adams of Jasper.	Hatchitt.
Albritton.	Holder.
Beck.	Howsley.
Bryant.	Hubbard.
Dodd.	Johnson of Dimmit.
Donnell.	Lilley.
Dunlap.	McCombs.
Farrar.	McDougald.
Ford.	McGregor.
Grogan.	Moffett.
Harman.	Morse.
Harrison	Munson.
of El Paso.	Murphy.

Nicholson.	Steward.
O'Quinn.	Wagstaff.
Ramsey.	Walker.
Ray.	Weinert.
Reader.	West of Coryell.
Shelton.	Westbrook.

Absent.

Adams of Harris.	Johnson of Morris.
Anderson.	Kayton.
Bradley.	Keller.
Brooks.	Lee.
Caven.	Martin.
Claunch.	Mathis.
Cox of Lamar.	Olsen.
Cunningham.	Patterson.
Davis.	Petsch.
DeWolfe.	Pope.
Duvall.	Rountree.
Dwyer.	Sherrill.
Engelhard.	Smith of Bastrop.
Ferguson.	Stevenson.
Finn.	Sullivant.
Fisher.	Tarwater.
Fuchs.	Terrell
Giles.	of Val Verde.
Hefley.	Van Zandt.
Hill.	Wyatt.

Absent—Excused.

Coombes. Moore.

Mr. Howsley moved that further consideration of the Senate amendments be postponed until 10 o'clock a. m. next Monday, and that the amendments be printed in mimeograph form.

Mr. Barron moved to table the motion by Mr. Howsley.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—58.

Adamson.	Dowell.
Adkins.	Elliott.
Akin.	Farmer.
Alsup.	Goodman.
Baker.	Graves.
Barron.	Greathouse.
Bedford.	Hanson.
Bond.	Hardy.
Bounds.	Harrison
Boyd.	of Waller.
Brice.	Herzik.
Bryant.	Holland.
Burns of Walker.	Holloway.
Burns	Hoskins.
of McCulloch.	Johnson
Carpenter.	of Dallam.
Coltrin.	Jones of Shelby.
Cox of Limestone.	Jones of Atascosa.
Dale.	Kennedy.
Daniel.	Lasseter.
Donnell.	Lemens.

Leonard.	Terrell
Magee.	of Cherokee.
Mehl.	Towery.
Metcalfe.	Turner.
Rogers.	Vaughan.
Satterwhite.	Veatch.
Scott.	Warwick.
Smith of Wood.	West of Coryell.
Sparkman.	West of Cameron.
Stephens.	Young.

Nays—48.

Adams of Jasper.	Lockhart.
Albritton.	Long.
Beck.	McCombs.
Brooks.	McDougald.
Dodd.	McGill.
Dwyer.	McGregor.
Farrar.	Moffett.
Finn.	Morse.
Forbes.	Munson.
Ford.	Murphy.
Grogan.	Nicholson.
Harman.	O'Quinn.
Harrison	Petsch.
of El Paso.	Ramsey.
Hatchitt.	Ratliff.
Hines.	Ray.
Holder.	Reader.
Howsley.	Richardson.
Hubbard.	Savage.
Jackson.	Shelton.
Johnson	Steward.
of Dimmit.	Wagstaff.
Johnson of Morris.	Walker.
Justiss.	Weinert.
Lilley.	Wiggs.

Absent.

Adams of Harris.	Keller.
Anderson.	Laird.
Bradley.	Lee.
Caven.	Martin.
Claunch.	Mathis.
Cox of Lamar.	Olsen.
Cunningham.	Patterson.
Davis.	Pope.
DeWolfe.	Rountree.
Dunlap.	Sanders.
Duvall.	Sherrill.
Englehard.	Smith of Bastrop.
Ferguson.	Stevenson.
Fisher.	Strong.
Fuchs.	Sullivant.
Gilbert.	Tarwater.
Giles.	Terrell
Hefley.	of Val Verde.
Hill.	Van Zandt.
Hughes.	Westbrook.
Kayton.	Wyatt.

Absent—Excused.

Coombes. Moore.

Mr. Long moved that further consideration of House bill No. 19, with



Senate amendments, be postponed until 10:15 o'clock a. m. next Monday, and that the Senate amendments be printed in mimeograph form.

Mr. Barron moved to table the motion.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—46.

Adamson.	Hoskins.
Adkins.	Johnson
Akin.	of Dallam.
Alsup.	Kennedy.
Baker.	Lasseter.
Barron.	Lemens.
Bond.	Leonard.
Bounds.	Magee.
Brooks.	Mehl.
Bryant.	Rountree.
Burns of Walker.	Satterwhite.
Coltrin.	Scott.
Cox of Limestone.	Smith of Wood.
Dale.	Sparkman.
Daniel.	Stephens.
Donnell.	Terrell
Elliott.	of Cherokee.
Farmer.	Towery.
Fuchs.	Turner.
Goodman.	Veatch.
Hanson.	Warwick.
Hardy.	West of Cameron.
Harrison	Wiggs.
of Waller.	Young.
Hines.	

Nays—59.

Adams of Jasper.	Johnson
Albritton.	of Dimmit.
Beck.	Johnson of Morris.
Boyd.	Jones of Shelby.
Burns	Jones of Atascosa.
of McCulloch.	Justiss.
Carpenter.	Lilley.
Dodd.	Lockhart.
Dowell.	Long.
Dwyer.	McCombs.
Farrar.	McDougald.
Finn.	McGill.
Forbes.	McGregor.
Ford.	Moffett.
Graves.	Morse.
Greathouse.	Munson.
Grogan.	Murphy.
Harman.	Nicholson.
Harrison	O'Quinn.
of El Paso.	Petsch.
Hatchitt.	Ramsey.
Holder.	Ratliff.
Holland.	Ray.
Holloway.	Reader.
Howsley.	Richardson.
Hubbard.	Rogers.
Jackson.	Savage.

Shelton.  
Steward.  
Strong.  
Vaughan.

Wagstaff.  
Walker.  
Weinert.  
West of Coryell.

Absent.

Adams of Harris.	Kayton.
Anderson.	Keller.
Bedford.	Laird.
Bradley.	Lee.
Brice.	Martin.
Caven.	Mathis.
Claunch.	Metcalfe.
Cox of Lamar.	Olsen.
Cunningham.	Patterson.
Davis.	Pope.
DeWolfe.	Sanders.
Dunlap.	Sherrill.
Duvall.	Smith of Bastrop.
Engelhard.	Stevenson.
Ferguson.	Sullivant.
Fisher.	Tarwater.
Gilbert.	Terrell
Giles.	of Val Verde.
Hefley.	Van Zandt.
Herzik.	Westbrook.
Hill.	Wyatt.
Hughes.	

Absent—Excused.

Coombes. Moore.

Question then recurring on the motion by Mr. Long, it prevailed by the following vote:

Yeas—77.

Adams of Jasper.	Hatchitt.
Adamson.	Hines.
Albritton.	Holder.
Barron.	Holland.
Beck.	Holloway.
Bedford.	Howsley.
Bounds.	Hubbard.
Boyd.	Hughes.
Brice.	Jackson.
Brooks.	Johnson
Burns	of Dimmit.
of McCulloch.	Johnson of Morris.
Carpenter.	Jones of Shelby.
Dodd.	Jones of Atascosa.
Donnell.	Justiss.
Dowell.	Lemens.
Dwyer.	Lilley.
Farrar.	Lockhart.
Finn.	Long.
Forbes.	McCombs.
Ford.	McDougald.
Fuchs.	McGill.
Graves.	McGregor.
Greathouse.	Mehl.
Grogan.	Moffett.
Hardy.	Morse.
Harman.	Munson.
Harrison	Murphy.
of El Paso.	Nicholson.

O'Quinn.	Shelton.
Petsch.	Steward.
Ramsey.	Strong.
Ratliff.	Turner.
Ray.	Vaughan.
Reader.	Veatch.
Richardson.	Wagstaff.
Rogers.	Walker.
Rountree.	Warwick.
Satterwhite.	Weinert.
Savage.	West of Coryell.

## Nays—29.

Adkins.	Harrison
Akin.	of Waller.
Alsup.	Hoskins.
Baker.	Kennedy.
Bond.	Lasseter.
Bryant.	Magee.
Burns of Walker.	Scott.
Coltrin.	Smith of Wood.
Cox of Limestone.	Sparkman.
Dale.	Stephens.
Daniel.	Terrell
Elliott.	of Cherokee.
Farmer.	Towery.
Goodman.	West of Cameron.
Hanson.	Wiggs.
	Young.

## Absent.

Adams of Harris.	Keller.
Anderson.	Laird.
Bradley.	Lee.
Caven.	Leonard.
Claunch.	Martin.
Cox of Lamar.	Mathis.
Cunningham.	Metcalfe.
Davis.	Olsen.
DeWolfe.	Patterson.
Dunlap.	Pope.
Duval.	Sanders.
Englehard.	Sherrill.
Ferguson.	Smith of Bastrop.
Fisher.	Stevenson.
Gilbert.	Sullivant.
Giles.	Tarwater.
Hefley.	Terrell
Herzik.	of Val Verde.
Hill.	Van Zandt.
Johnson	Westbrook.
of Dallam.	Wyatt.
Kayton.	

## Absent—Excused.

Coombes.	Moore.
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## HOUSE BILL NO. 16 ON SECOND READING.

Mr. West of Cameron moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 16, A bill to be entitled "An Act for the purpose of conserving petroleum, one of the natural resources produced in this State, by providing that every person, firm, partnership, corporation, association, or any receiver thereof, shall pay to the State a graduated production tax on the daily production of each petroleum well in this State; that there shall be placed at every producing petroleum well a meter to measure the petroleum coming from the same; providing that pipe line companies shall collect the tax levied under this bill at the time of receiving petroleum from the producer and shall remit the same to the Comptroller; providing how petroleum may be transported and the tax paid when transported, other than by a pipe line; providing for the collection of the tax thereon; providing that the Comptroller shall furnish all necessary blanks and forms for the carrying out the provisions of this act; providing for the creation of a department within the Comptroller's Department for the administration of this act; providing the necessary employees to administer such department; making an appropriation; providing for the allocation of the taxes collected hereunder; fixing the penalty for the violation of this act, and declaring an emergency."

The motion prevailed by the following vote:

## Yeas—86.

Mr. Speaker.	Elliott.
Adams of Jasper.	Farmer.
Adamson.	Farrar.
Adkins.	Forbes.
Akin.	Ford.
Alsup.	Goodman.
Baker.	Graves.
Barron.	Greathouse.
Bedford.	Hanson.
Bond.	Harman.
Bounds.	Hines.
Boyd.	Holland.
Brice.	Holloway.
Brooks.	Hoskins.
Bryant.	Johnson
Burns of Walker.	of Dimmit.
Burns	Johnson of Morris.
of McCulloch.	Jones of Shelby.
Carpenter.	Jones of Atascosa.
Coltrin.	Justiss.
Cox of Limestone.	Kennedy.
Dale.	Laird.
Daniel.	Lemens.
Dodd.	Leonard.
Dunlap.	Lilley.
Dwyer.	Lockhart.

McGill.	Scott.
McGregor.	Shelton.
Magee.	Smith of Wood.
Mehl.	Sparkman.
Metcalfe.	Stephens.
Moffett.	Strong.
Munson.	Terrell
Murphy.	of Cherokee.
Petsch.	Towery.
Ramsey.	Turner.
Ratliff.	Vaughan.
Ray.	Veatch.
Reader.	Warwick.
Richardson.	Weinert.
Rogers.	West of Coryell.
Rountree.	West of Cameron.
Sanders.	Wiggs.
Satterwhite.	Young.
Savage.	

Nays—16.

Albritton.	Hatchitt.
Beck.	Howsley.
Dowell.	Hughes.
Finn.	McCombs.
Grogan.	Morse.
Harrison	Nicholson.
of El Paso.	O'Quinn.
Harrison	Steward.
of Waller.	Walker.

Absent.

Adams of Harris.	Johnson
Anderson.	of Dallam.
Bradley.	Kayton.
Caven.	Keller.
Claunch.	Lasseter.
Cox of Lamar.	Lee.
Cunningham.	Long.
Davis.	McDougald.
DeWolfe.	Martin.
Donnell.	Mathis.
Duvall.	Olsen.
Engelhard.	Patterson.
Ferguson.	Pope.
Fisher.	Sherrill.
Fuchs.	Smith of Bastrop.
Gilbert.	Stevenson.
Giles.	Sullivan.
Hardy.	Tarwater.
Hefley.	Terrell
Herzik.	of Val Verde.
Hill.	Van Zandt.
Holder.	Wagstaff.
Hubbard.	Westbrook.
Jackson.	Wyatt.

Absent—Excused.

Coombes. Moore.

The Speaker then laid House bill No. 16 before the House, and it was read second time.

Mr. West of Cameron offered the following amendments to the bill:

(1)

Amend House bill No. 16, Section 2, page 3, line 2, of the printed bill by adding after the word "State" in said line, the following: "except marginal wells as now defined by law."

(2)

Amend House bill No. 16, by adding after the word "thereof" in line 7, Section 2, page 3 of the printed bill the following: "which meter or gauge shall be placed on the oil line between the separator tank and the flow tank."

(3)

Amend House bill No. 16, Section 4, by striking out the last two words in line 23, all of lines 24, 25 and 26 of the printed bill and insert in lieu thereof the following: "Any producer or owner of petroleum produced from such wells who shall violate any of the provisions of this act shall, upon conviction therefor, be fined in any sum not less than five thousand dollars (\$5,000) for each offense."

(4)

Amend House bill No. 16, Section 6, line 1, being line 33, page 4 of the printed bill, by striking out of said line the following words: "or criminal suit or."

(5)

Amend House bill No. 16 by adding thereto after Section 8 another section, to be known as Section 8a, which shall read as follows:

"Sec. 8a. The word 'barrel' as used in this act shall mean a barrel having a capacity of forty-two gallons."

(6)

Amend House bill No. 16, Section 7, by striking out all of line 2 after the words "this act," all of lines 3, 4, 5 and 6, on page 5, of the printed bill, and inserting in lieu thereof the following: "One chief clerk at a salary of \$3600 per year; two assistant clerks at a salary of \$2400 per year each; and four stenographers at a salary of \$1500 per year each; and he shall appoint six inspectors at a salary of \$2400 per year each;" and by striking out the figures "\$38,400" in lines 18 and 19, page 5 of the printed bill, and inserting in lieu thereof the figures "\$28,800" in each of said lines.

(7)

Amend House bill No. 16 by add-

ing after Section 8a another section, to be known as Section 8b:

"Sec. 8b. Sections 1, 2, 3, 4 and 5 of Article 7071 of the Revised Civil Statutes of 1925 are hereby repealed. Sections 6, 7, 8 and 9 of said Article 7071 of the Revised Civil Statutes of 1925 shall remain in full force and effect and are hereby re-enacted."

(8)

Amend the bill by changing the word "shall" to "may" in line 1, on page 5.

The amendments were severally adopted.

Mr. Donnell offered the following amendment to the bill:

Amend Section 1 by striking out lines 34 to 40, inclusive, and substitute the following:

"From each well producing up to 10 barrels of oil daily,  $\frac{1}{2}$  cent per barrel. From wells producing over 10 barrels and not over 25 barrels daily,  $\frac{3}{4}$  cent per barrel. From wells producing over 25 barrels and not over 50 barrels daily, 1 cent per barrel. From wells producing over 50 barrels and not over 100 barrels, 2 cents per barrel. From wells producing over 100 barrels and not over 150 barrels daily,  $2\frac{1}{2}$  cents per barrel. From wells producing over 150 barrels and not over 200 barrels, 3 cents per barrel. From wells producing over 200 barrels and not over 400 barrels daily,  $3\frac{1}{2}$  cents per barrel. From wells producing over 400 barrels and not over 500 barrels, 4 cents per barrel. From all wells producing over 500 barrels of oil daily, 5 cents per barrel. For purposes of arriving at the rate of taxation per barrel to be assessed against each well, the State will take the average daily production over a period of 30 days."

Mr. Barron offered the following substitute for the amendment by Mr. Donnell:

"From 1 to 25 barrels,  $\frac{1}{2}$  cent per barrel; from 26 to 50 barrels,  $\frac{3}{4}$  cent per barrel; from 51 to 100 barrels, 1 cent per barrel; from 101 to 200 barrels, 2 cents per barrel; from 201 to 400 barrels, 3 cents per barrel; from 401 to 1,000 barrels, 4 cents per barrel; from 1,001 to 2,500 barrels, 5 cents per barrel; above 2,500 barrels, 6 cents per barrel.

Question—Shall the substitute amendment be adopted?

#### MESSAGE FROM THE GOVERNOR.

Mr. Pat Dougherty, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,  
Austin, Texas, August 8, 1931.

To the Members of the Forty-second Legislature:

I hereby submit for your consideration the subject of the laws pertaining to county depositories. County officials from many sections of Texas urge that I submit this subject in order that certain corrective provisions may be enacted by you.

Respectfully submitted,  
R. S. STERLING,  
Governor.

#### RECESS.

Mr. Albritton moved that the House recess to 2 o'clock p. m. today.

Mr. McDougald moved that the House adjourn until 9 o'clock a. m. next Monday.

The motion of Mr. Albritton prevailed, and the House accordingly, at 12:15 o'clock p. m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

#### BILLS ORDERED PRINTED IN MIMEOGRAPH FORM.

On motion of Mr. West of Cameron, House bill No. 65 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Morse, House bill No. 68 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Sanders, House bills Nos. 66 and 67 were ordered printed in mimeograph form and not otherwise printed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 8, 1931.  
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate

to inform the House that the Senate has passed

S. B. No. 46, A bill to be entitled "An Act governing the statement of facts, including: amendment of Articles 2237, 2238 and 2239 of the Revised Civil Statutes of 1925; provisions under which the court stenographer's transcript of the evidence may be ordered and shall be filed, in duplicate, objection may be made thereto and the same when approved and signed as herein required may be used as the statement of facts; and provisions for fees and taxation of costs therefor, sending up original documentary evidence or copying same into the statement of facts; filing statement of facts in narrative form, incorporating record by reference, eliminating bills of exception in certain instances, excepting procedure as to statement of facts in appeals in certain cases; declaring and pointing out the procedure therefor in such criminal appeals; amending Articles 760 and 607 of the Code of Criminal Procedure, 1925; repealing House bill No. 120 and Senate bill No. 59 of the Regular Session of the Forty-second Legislature and all laws in conflict, saving such as are cumulative, and declaring an emergency."

The Senate has refused to engross Senate bill No. 2, "An Act declaring soil suitable to growing cotton one of the natural resources of the State, etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 46, to the Committee on Criminal Jurisprudence.

#### HOUSE BILL NO. 10 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act amending House bill No. 1036, passed by the Regular Session

of the Forty-second Legislature, Chapter 187, page 374, Acts of the Forty-second Legislature, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties, and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this act within 200 yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande Rivers from the provisions of this act; prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species in said counties; providing a closed season for a period of time when it shall be unlawful to take fresh water fish, etc., and declaring an emergency."

The bill was read second time.

On motion of Mr. Burns of McCulloch, the bill was laid on the table subject to call.

#### HOUSE BILL NO. 15 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 15, A bill to be entitled "An Act to amend Section four (4) of Chapter 102, Special Laws, Regular Session of the Forty-second Legislature, which section defines the open season for killing squirrels in Wood county, fixing bag limit and penalties."

The bill was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 32 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 32, A bill to be entitled "An Act making it unlawful to hunt, shoot or kill any quail in Falls and Johnson counties from and including January 1 to November 30 of any year; fixing the penalty for violation of the provisions of this act, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 33 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 33, A bill to be entitled "An Act to regulate the method of taking or catching fish in the public fresh waters in Morris and Titus counties, State of Texas, for the preservation and conservation of the fish in said counties; providing penalties for violation; repealing House bill No. 717, Regular Acts of the Forty-second Legislature and all other laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 46 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 46, A bill to be entitled "An Act amending Chapter 239, Special Laws of the Regular Session of the Forty-second Legislature of the State of Texas, so as to change the dates of convening the district court in Mitchell county of the Thirty-second Judicial District of Texas, and declaring an emergency."

The bill was read second time.

Mr. Metcalfe offered the following amendments to the bill:

##### (1)

Amend House bill No. 46 by striking out of Sections 1 and 2 the figures and word: "239, Special" wherever they occur in said sections and substitute in lieu thereof the figures and word: "366, General."

##### (2)

Amend House bill No. 46 by changing the caption to conform to the body of the bill.

The amendments were severally adopted.

House bill No. 46 was then passed to engrossment.

#### ADJOURNMENT.

On motion of Mr. O'Quinn, the House, at 3:10 o'clock p. m., adjourned until 9:30 o'clock a. m. next Monday.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows: Congressional Districts: House bill No. 55.

State Affairs: House bills Nos. 58, 60, 63, and 68.

Appropriations: House bill No. 66. Game and Fisheries: House bills No. 73 and 57.

Privileges, Suffrage and Elections: House bill No. 62.

Conservation and Reclamation: House bills Nos. 71, 70 and 65.

The Committee on Revenue and Taxation filed a favorable report on House bill No. 67 at 2 o'clock p. m. today.

#### REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, August 8, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to who was referred

H. B. No. 26, A bill to be entitled "An Act amending Article 6032 of the Revised Civil Statutes of 1925, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, August 8, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 4, "An Act making an appropriation of thirty thousand dollars (\$30,000) to be used by the Attorney General for the purpose of paying the expenses of investigating and prosecuting violations of conservation and anti-trust laws of this State, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

#### FOURTEENTH DAY.

(Monday, August 10, 1931.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present: